



Docket No.: 05581-00145-US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Germano Emiliani et al.

Application No.: 10/575,749

Confirmation No.: N/A

Filed: 7/14/06

Art Unit: N/A

For: TRANSPARENT AND COLOURED CAST
FILM FOR IN MOULD LABELLING
APPLICATION

Examiner: Not Yet Assigned

DECLARATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

- I. I, Sandra Best, am an employee of Treofan Germany GmbH & Co. KG, a corporation of the Federal Republic of Germany, located at 66539 Neunkirchen, Federal Republic of Germany.
- II. At the time the invention of United States Application No. 10/575,749 was made, each of the inventors was employed by Moplefan s.p.a.
- III. Since the time of the invention, Moplefan s.p.a. has become Treofan Italy s.p.a., a member of the Treofan Group whose head office is Treofan Germany GmbH & Co. KG.
- IV. Giovanni Carbone is an inventor of subject matter contained in the aforementioned Application.
- V. In March of 2006 I contacted Antonino Crisafulli, another inventor of subject

matter contained in the aforementioned Application. I asked Mr. Crisafulli to forward to Mr. Carbone a copy of a proper Declaration and Power of Attorney in connection with this Application, as well as an Assignment to Treofan Germany GmbH & Co. KG. Exhibit A. Mr. Crisafulli indicated that Mr. Carbone did not execute any of the documents at that time. *Id.*

VI. I sent a letter via facsimile to Mr. Carbone on June 8, 2006 along with a proper Declaration and Power of Attorney, as well as an Assignment to Treofan Germany GmbH & Co. KG. Exhibit B. I asked that Mr. Carbone to execute the necessary documents prior to July 3, 2006. *Id.*

VII. Mr. Carbone received my letter on June 8, 2006. Exhibit C. Mr. Carbone replied that he refuses to sign or otherwise participate in the prosecution of this Application. *Id.*

VIII. Attached as Exhibit D to this Declaration is Mr. Carbone's non-translated statement documenting his refusal to sign.

IX. I can personally attest to the authenticity of the statement of Mr. Carbone.

X. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Sandra Best
Sandra Best

August 29th, 2006
Date ()

EXHIBIT A

Best, Sandra, Patentoffice, Treofan Germany

Von: Crisafulli, Antonino
Gesendet: Montag, 27. März 2006 09:10
An: Best, Sandra, Patentoffice, Treofan Germany
Betreff: RE: 2003/N 005 - New Application in foreign countries

ok. I will do that.

Sorry for the disturb

-----Original Message-----

From: Best, Sandra, Patentoffice, Treofan Germany
Sent: Monday, March 27, 2006 9:05 AM
To: Crisafulli, Antonino
Subject: AW: 2003/N 005 - New Application in foreign countries

Nino,

about these circumstances, please send the documents signed by your side to me and give blank copies to Mr. Carbone. After his return he should send the signed documents very soon to my office.

Thank you for your kindly cooperations.

Sandra

-----Ursprüngliche Nachricht-----

Von: Crisafulli, Antonino
Gesendet: Montag, 27. März 2006 07:30
An: Best, Sandra, Patentoffice, Treofan Germany
Betreff: RE: 2003/N 005 - New Application in foreign countries

Sandra,

We get in touch with him and his answer was "I'm not in Pizzo and I don't know when I will back". So, I don't know how to do.

the documents are signed and everything prepared.

nino

-----Original Message-----

From: Best, Sandra, Patentoffice, Treofan Germany
Sent: Monday, March 27, 2006 7:03 AM
To: Crisafulli, Antonino
Subject: AW: 2003/N 005 - New Application in foreign countries

Dear Nino,

that's great. Thank you for your efforts.

Best regards
Sandra

-----Ursprüngliche Nachricht-----

Von: Crisafulli, Antonino
Gesendet: Samstag, 25. März 2006 08:46
An: Best, Sandra, Patentoffice, Treofan Germany
Betreff: RE: 2003/N 005 - New Application in foreign countries

Dear Sandra,

I signed the document, we called Carbone. As soon the document are signed, I will send you everything in your office.

best regards.

Nino

—Original Message—

From: Best, Sandra, Patentoffice, Treofan Germany
Sent: Tuesday, March 21, 2006 9:10 AM
To: Crisafulli, Antonino
Subject: 2003/N 005 - New Application in foreign countries
Importance: High

Dear Antonino,

enclosed you will find some formal papers, which must be sign by all inventors of the above-mentioned application. Please sign them and please overlook, that some papers must be sign together with a witness!! (Please type their name under the signature) After signature, send the formal papers as soon as possible back to my office in Raunheim.

Is it possible for you to give the papers to Mr. Carbone?? He is one of the inventor!!

<< File: CA_ASSIGNMENT_Treofan.doc >> << File: ZA_Assignment.doc >> << File: US_Declaration and Power of Attorney_Connolly.DOC >> << File: US_Assignment_Connolly.doc >>

Very truly yours,

Sandra Best
Patent and License Department

Treofan Germany GmbH & Co. KG
Am Prime Parc 17
D-65479 Raunheim
Tel.: +49(0)6142-200-3218
Fax: +49(0)6142-200-3245
e-Mail: Sandra.Best@de.treofan.com

www.treofan.com

EXHIBIT B



Treofan Germany GmbH & Co. KG · Am Prime Parc 17 · 65479 Raunheim · Germany

Mr.
Giovanni Carbone
Via Pietà L13B
I-89812 Pizzo

Italy

Treofan Germany GmbH & Co. KG

Am Prime Parc 17
65479 Raunheim, Germany
Tel. +49 6142 200-0
Fax +49 6142 200-3299
www.treofan.com

Viola.Kremer@de.treofan.com

Datum	June 08, 2006
Telefon	+49(0)6142-200-3218
Telefax	+49(0)6142-200-3245

VERY URGENT

2003/N 005 ~ "Transparent and coloured cast film for in mould labelling application"
Formal Papers

Dear Mr. Carbone,

For the deposition of the above mentioned patent application in Canada, USA and South Africa, signature of the involved inventors are necessary. We therefore ask you to sign the added document at the marked place (with blue colour, without title and with full first name and surname). Please send the signed document back to:

Treofan Germany GmbH & Co. KG
Attn.: Mrs S. Best
Am Prime Parc 17
D-65479 Raunheim

not later than July 03, 2006!!

Very truly yours,

S. Best



Treofan Group

Sitz der Gesellschaft: 66539 Neunkirchen, Germany, Handelsregister: Saarbrücken Abt. A Nr. 9396, UST-ID-Nr. DE 813 710 590, Komplementär: Treofan Dritte Holdings GmbH, Handelsregister: Saarbrücken Abt. B Nr. 14261, Geschäftsführer: Peter A. Brügel, Jürgen Schäuble

ASSIGNMENT

WHEREAS WE, Germano EMILIANI
Hervé BLERIOT
Giovanni, CARBONE
Antonino CRISAFULLI

Have invented certain improvements in

"Transparent and coloured cast film for in mould labeling application"

As set forth and described in our application executed on this same day for Letters Patent of the United States; and

WHEREAS Treofan Germany GmbH & Co. KG, a corporation of the Federal Republic of Germany, located at 66539 Neunkirchen, Federal Republic of Germany, is desirous of acquiring said invention and application and all rights we have or may have in improvements thereon, including rights to obtain Letters Patent therefor and reissues and extensions thereof in all countries:

NOW, THEREFORE, be it known that for valuable consideration, the receipt and adequacy of which is hereby acknowledged, we the said:

Germano Emiliani, Hervé Bleriot, Giovanni Carbone and Antonino Cristofilli

have sold, assigned and transferred and do hereby sell, assign and transfer to the said Treofan Germany GmbH & Co. KG the whole and exclusive right, title and interest in and to the said invention and application, and any and all rights we have or may have in improvements thereon, including rights to obtain Letters Patent and reissues and extensions thereof for said inventions and improvements in foreign countries as well as in the United States, the said invention, application, improvements and patents to be held and enjoyed by the said Treofan Germany GmbH & Co. KG for its own use and behoof and for the use and behoof of its legal representative, successors and assignees, as fully and entirely as they would have been held and enjoyed by us had such assignment not been made.

WE HEREBY authorized and request the Commissioner of Patents to issue the United States Letters Patent to the said Treofan Germany GmbH & Co. KG accordingly, and agree to sign all legal papers and do all this, without expense to ourselves, which shall be necessary to perfect the rights of the said Treofan Germany GmbH & Co. KG under this Agreement.

IN TESTIMONY WHEREOF, we have hereunto set our hand this

(Germano Emiliani)

(Hervé Bleriot)

(Giovanni Carbone)

(Antonino Crisafulli)

WITNESSES:

(NAME)

(NAME)

(NAME)

(NAME)

DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Transparent and coloured cast film for in mould labeling application

the specification of which is attached hereto unless the following box is checked:

was filed on 13, October 2004 as PCT International Application Number PCT/EP 04/011446.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known by me to be material to patentability as defined in Title 37, Code of Federal Regulations § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)

NUMBER	COUNTRY	MONTH/DAY/YEAR FILED	PRIORITY CLAIMED	CERTIFIED COPY ATTACHED
MI2003A 002009	Italy	October 16, 2003	Yes	

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is known by me to be material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application;

APPLICATION SERIAL NO.	FILING DATE	STATUS: PATENTED, PENDING, ABANDONED
PCT/EP 04/01446	October 13, 2004	Pending

I hereby appoint as my attorneys, with full powers of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Harold Pezzner, Reg.No. 22,112; Richard M. Beck, Reg.No.22,580; Paul E. Crawford, Reg.No.24,397; Robert G. McMorrow, Jr., Reg.No.30,962; Patricia Smink Rogowski, Reg.No.33,791; Ashley I. Pezzner, Reg.No.35,646; all of CONNOLLY AND HUTZ, Wilmington, Delaware 19899.

Address all correspondence to:

Connolly Bove Lodge and Hutz LLC, The Nemours Building, 1007 North Orange Street, Wilmington DE 19801.
Address telephone communications at

I FURTHER DECLARE THAT all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of first Inventor: EMILIANI, Germano

Citizenship: Italy

Residence: Ferrara, Italy

Post Office Address: Via Fiume 24, I-44100 Ferrara, Italy

Inventor's signature

Date:

Name of second Inventor: BLERIOT, Hervé

Citizenship: Belgium

Residence: Harze, Belgium

Post Office Address: Rue des tilleuls N° 47, 4920 Harze, Belgium

Inventor's signature

Date:

Name of third Inventor: CARBONE, Giovanni

Citizenship: Italy

Residence: Pizzo, Italy

Post Office Address: Via Pietà L13B, I-89812 Pizzo, Italy

Inventor's signature

Date:

Name of third Inventor: CRISAFULLY, Antonino

Citizenship: Italy

Residence: Meri, Italy

Post Office Address: N°3, Via Dottore Borghese, I-8040 Meri Italy

Inventor's signature

Date:

Office Address for all
Inventors

Treofan Germany GmbH & Co. KG
Bergstrasse
66539 Neunkirchen
Federal Republic of Germany

ÜBERTRAGUNG

Der/die Unterzeichnete
Moplefan S.p.A.
mit Sitz in
P.le Doneghani 4, 05100 Terni TR, Italien
überträgt hiermit auf
Treofan Germany GmbH & Co. KG
mit Sitz in
Bergstrasse, 66539 Neunkirchen,
Deutschland
Welche akzeptiert, volles Eigentum, Anrecht
Und Inhaberschaft des/der
Italienische Patentes/e
Nr.: MI2003A002009 eingereicht am
16.10.2003
damit der Übernehmer aus allen sich daraus
ergebenden Anrechten Nutzen ziehen und ohne
jegliche Beschränkung in den Genuss derselben
kommen kann.

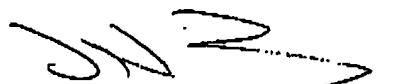
Die vorliegende Übertragung wird gegen
Vergütung des Betrages von Euro 4.300
(viertausenddreihundert) durchgeführt, den
der Übertrager empfangen zu haben erklärt
und für den die unten erfolgte Unterzeichnung
eine volle und endgültige Quittung darstellt

CESSIONE

La sottoscritta
Moplefan S.p.A.
con sede in
P.le Doneghani 4, 05100 Terni TR, Italy
cede a
Treofan Germany GmbH & Co. KG
con sede in
Bergstrasse, 66539 Neunkirchen,
Germania
che accetta, la piena e intera proprietà
diritto e titolarità sui/i brevetto/i
italiano/i per invenzione industriale
n. MI2003A002009 depositato/i il
16.10.2003
affinché la Cessionaria possa godere e
profittare di tutti i diritti derivanti senza
alcuna limitazione

La presente cessione è fatta contro il
corrispettivo della somma di Euro 4.300
(quattromilatrecento) che la Cedente
dichiara di avere ricevuto e per il quale la
firma in calce costituisce piena e definitiva
quietanza.

Datum
(Data)


DER ÜBERTRÄGER
Moplefan S.p.A.


DER ÜBERNEHMER
Treofan Germany GmbH & Co. KG

Nr. 152 der Urkundenrolle für 2004

Der Notar fragte nach einer Vorbefassung i. S. des § 3 Abs. 1 Nr. 7 BeurkG. Sie wurde von dem Erschienenen verneint.

Die vorstehende Unterschrift von

Herrn Zvi Mor, geboren am 8. Juni 1949,
wohnhaft 56 Shvedia Street, Haifa 34980, Israel,
persönlich bekannt,

beglaubige ich hiermit als heute vor mir vollzogen.

Herr Mor handelte nach seiner Erklärung für

- Moplefan S.p.A., 05100 Terni TR, Italien,
und
- Treofan Germany GmbH & Co. KG, 66539 Neunkirchen, Deutschland,
in seiner Eigenschaft als alleinvertretungsberechtigter und von den Beschränkungen
des § 181 BGB befreiter Geschäftsführer der persönlich haftenden Gesellschafterin
Treofan Dritte Holdings GmbH, Neunkirchen.

Frankfurt am Main, den 24. Juni 2004



Groh
Notar

EXHIBIT C

Treofan Germany GmbH & Co. KG

Attn.: Mrs S. Best

Am Prime Parc 17

D-65479 Raunheim - Germany

Subject: Patent 2003/N-005-Ref. Your Letter of June 8, 2006

First of all I apologize for writing in Italian, but my knowledge of English does not enable me to express myself fully and clearly in this language.

I am sure that, if you do not know the Italian language, you will definitely be able to obtain a good translation.

With reference to the subject, I should like to inform you that, not being obligated to do so, I do not intent, at this time, to sign the documents you have sent me, which, on your request, I am perfectly willing to return to you.

The reason for my decision is due to some judgment errors, during the final phase of my employment with your Group, which as you can see ended, ahead of its natural expiration, on June 30, 2004; these errors have caused me economic damages (missed collection of indemnities).

I will not dwell on the errors made, because they pertain to situations having to do with my relations with the Group's Management at that time.

The fact that I made mistakes then does not mean that I am inclined to repeat them.

Please feel free to contact me for any further information you may require.

Sincerely,

Giovanni Carbone

Via Pietà L13B

89812 PIZZO- Italy

EXHIBIT D

Treofan Germany GmbH & Co. KG
Attn. : Mrs S. Best
Am Prime Parc 17

D-65479 Raunheim -Germany-

Oggetto: Patent 2003/N-005-Rif. Vs. Lettera dell'08-06-2006

Innanzitutto mi scuso se scriverò in lingua italiana, ma la mia conoscenza della lingua inglese non è tale da consentirmi di esprimermi in modo completo e chiaro in questa lingua.

Sono sicuro che, nel caso in cui Lei non conosca la lingua italiana, avrà sicuramente la possibilità di avere una buona traduzione.

Con riferimento all'oggetto Vi comunico che, non essendo obbligato, non ho intenzione, al momento, di firmare i documenti che mi avete inviato e che, su Vs. richiesta, sono pronto e restituirVi.

Il motivo di questa mia scelta è dovuto a degli errori di valutazione, nella fase finale della mia collaborazione con il Vs. Gruppo, come potete riscontrare è terminata, anticipatamente, il 30/06/2004, che mi hanno arrecato danni economici (mancati indennizzi).

Non mi soffermo sugli errori commessi in quanto riguardano situazioni riconducibili ai miei rapporti con il Management del Gruppo dell'epoca.

Aver commesso degli errori allora non significa che sia disposto a ripeterli.

Se ritenete opportuno, sono a Vs. disposizione per ulteriori contatti.

Distinti saluti
Giovanni Carbone
Via Pietà L13B
89812 PIZZO- Italy.

Giovanni Carbone